

Indiana Criminal Justice Institute

S.T.O.P. and VOCA GRANT PROGRAM CERTIFIED ASSURANCES AND SPECIAL PROVISIONS LOBBYING

(Please include a copy of the certified assurances and special provisions with the application and retain a copy for your records.)

A. *Financial and Administrative Management*

1. The applicant assures that it will comply with applicable financial and administrative OMB Circulars A-87-102 (Common Rule), A-110, and A-133, and will comply with the provisions of the Office of the Comptroller, Office of Justice Programs, OC Financial Guide, current edition.
2. The applicant assures that it will maintain generally accepted accounting procedures to provide for accurate and timely recording and receipt of fund by source, by expenditure by item made from such funds, and of unexpended balances. Adequate controls will be established to ensure that expenditures charged to grant activities are for allowable purposes and documentation is readily available to verify that such charges are accurate.
3. In compliance with Single Audit Act of 1984, P.L. 98-502, the applicant agrees to provide the Indiana Criminal Justice Institute with copies of its annual audit reports performed by the Indiana State Board of Accounts.

B. *Match and Non-Supplanting of State/Local Funds*

1. The applicant assures that federal funds made available through this grant will not be used to supplant state or local funds, but will be used to supplement and increase the amounts of such funds that would, in the absence of federal funds, be made available.
2. The applicant certifies that matching funds required to pay the non-federal portion of the cost of this subgrant are in addition to funds that would have otherwise been made available for the purposes of this project and are not other federal grant funds.

C. *Discrimination Prohibited*

1. The applicant assures that it will comply with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans with Disabilities Act ADA (1990); Title IX of Education Amendments of 1972; the Age Discrimination Act of 1975; the Department of Justice regulations on disability discrimination, 28 CFR Part 25 and Part 39; and Executive Order 11246, as amended by Executive Order 11375, and their implementing regulations, 41 CFR Part 60.1 et seq., as applicable to construction costs.
2. The applicant assures that in the event a federal or state court or administrative agency makes, or had made, a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against it, the applicant will forward a copy of the finding to the Indiana Criminal Justice Institute within 45 days of the finding, or, if the finding occurred prior the grant award, within 45 days of the award date, and;
3. The applicant assures that it will comply with the Office of Civil Rights (OCR) requirements and will inform OCR of any adverse findings of discrimination. All adverse findings of discrimination should be sent to:

Office For Civil Rights
810 7th Street, N.W.
Washington, D.C., 20531
Fax: (202) 616-9865

D. *Federal Laws & Regulations Applicable to Federal Assistance Programs*

1. Recipient will comply with Federal laws and regulations applicable to federal assistance programs and with provisions of 28 CFR applicant to grants and cooperative agreements including Part II, Applicability of Office of Management and Budget Circulars; Part 18, Administrative Review Procedure; Part 20, Criminal Justice Information Systems; Part 22 Confidentiality of Identifiable Research and Statistical Information; Part 23 Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; and Part 63, Floodplain Management and Wetland Protection Procedures.

E. *Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion for Lower Tier Covered Transactions (Subgrantees receiving \$100,000 or more)*

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CERTIFIED ASSURANCES AND SPECIAL PROVISIONS

1. As required by Executive Order 12549, 28 CFR Part 67, Section 67.510, the applicant certifies that it and its principles:
 - (a.) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b.) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or criminal offenses in connection with obtaining, attempting to obtain, or performing a public (Federal or State) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
 - (c.) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in the paragraph (1)(b) of this certification; and
 - (d.) Have not within the a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and
2. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

*F. Certification Regarding Lobbying**. As required by Section 1352, Title 31, 28 CFR, Part 69, the prospective subgrantee certifies, by submission of this proposal, that:

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employer of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with making any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, or renewal, amendment, or modification of any Federal grant or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influence or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form – LLL, “Disclosure of Lobbying Activities,” in accordance with its instructions;
3. The undersigned shall require that language of this certification be included in documents for all contracts or cooperative agreements under this grant and that all contractees shall certify and disclose accordingly.

*** The Anti-Lobbying Act, 18 U.S.C. § 1913, recently was amended to expand significantly the restriction on use of appropriated funding for lobbying. This expansion also makes the anti-lobbying restrictions enforceable via large civil penalties, with civil fines between \$10,000 and \$100,000 for each individual occurrence of lobbying activity. These restrictions are in addition to the anti-lobbying and lobbying disclosure restrictions imposed by 31 U.S.C. § 1352.**

OMB is currently in the process of amending the OMB cost circulars and the common rule (codified at 28 C.F.R. part 69 for DOJ/OJJDP grantees) to reflect these modifications. However, in the interest of full disclosure, all applicants must understand that no federally appropriated funding made available under this grant program may be used, either directly or indirectly, to support the enactment, repeal, modification, or adoption of any law, regulation or policy at any level of government, without the express approval by the OJJDP through the Office of Justice Programs. Any violation of this prohibition is subject to a minimum \$10,000 fine for each occurrence. This prohibition applies to all activity, even if currently allowed within the parameters of the existing OMB circulars.

G. Drug-Free Workplace (Subgrantees other than individuals)

1. As required by the Drug-Free Workplace Act of 1988 and defined at 28 CFR, Part 67, Sections 67.615 abd 67.620, the applicant certifies that it will or will continue to provide a drug-free workplace by:
 - (a.) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances is prohibited in the grantee’s workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - (b.) Establishing an on-going drug-free awareness program to inform employees about the dangers of drug abuse in the workplace; the grantees policy of maintaining a drug-free workplace; any available drug counseling, rehabilitation, and emp loyee assistance programs; and the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

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CERTIFIED ASSURANCES AND SPECIAL PROVISIONS

- (c.) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a).
- (d.) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will –
 - 1. Abide by the terms of the statement; and
 - 2. Notify the employer in writing of his or her conviction for a violation of criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531.
 - 3. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted –
 - a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the Rehabilitation Act of 1973, as amended, or
 - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - c. Making a good faith effort to continue to maintain a drug-free workplace through the implementation of paragraphs (a), (b), (c), and (d)(1)(2)(3).

**S.T.O.P. and VOCA GRANT PROGRAM
CERTIFICATIONS & ACCEPTANCE
(All signatures must be original signatures)**

The APPLICANT, through the following signatories, certifies that the statements in this grant are true and complete to the best of the APPLICANT’S knowledge and accepts, as to any grant awarded, the obligation to comply with any Indiana Criminal Justice Institute special conditions specified in the Grant Award. “The signatories certify that we have read the instructions for this application and are fully cognizant of our duties and responsibilities with regards to the implementation of the project proposed in the application.”

- **Official for Legal Applicant** – A representative of the Legal Applicant identified in **Item G on page 1** of the grant application.
- **Director of Implementing Agency** – Director or similar representative of the Implementing Agency Identified in **Item D on page 1** of the grant application.
- **Project Director** – The Project Director identified in **Item E on page 1** of the grant application.
- **Financial Officer** – The Financial Officer (County Auditor, City Controller, City Clerk-Treasurer, Town Treasurer or other individual) identified in **Item J on page 1** of the grant application.

A. Signature

Official for Legal Applicant

Date

Title

B. Signature

Director of Implementing Agency

Date

Title

C. Signature

Project Director

Date

Title

D. Signature

Financial Officer

Date

Title